IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

MONDAY THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE: **B.PRAKASH RAO**
AND
THE HON'BLE SRI JUSTICE **G.BHAVANI PRASAD**

CIVIL MISCELLANEOUS PETITION NOS. 562 & 234 OF 2007

CMA. NO. 562 OF 2007:

Appeal under order 43 Rule 1 (r)of CPC, to revise the order of the Court of the III Additional Chief Judge, City Civil Court, Hyderabad, made in I.A. No. 2444 of 2006, in OS. No. 327 of 2006, dated: 04-01-2007.

Between:
Global Hi Tech Developers, A partnership firm, having its registered office at 6-3-249/3/3, Navin Nagar, Khairatabad, Hyderabad, rep. By Managing Partner, V.Sudhakar Prasad, S/o Kotaiah, C/o. 6-3-249/3/3, Naveen nagar, Khairtabad, Hyderabad

Appellant

AND

1. D.Ashven S/o Sri T.R.Datla, R/o. 6-3-1186, Greenland Road, Begumpet, Hyderabad
2. Mrs. A.Shakuntala W/o Sri A.R.Raju, R/o. 7-1-59/11, Ameerpet, Hyderabad
3. Mrs. N.J. Lalitha W/o late Sri N.Venkaiah, R/o. 6-3-1186/11, Green lands Road, Begumpet, Hyderabad
4. Mr. N.Ranga Rao S/o late Sri Narayana Murthy, R/o Patodia Spinning Mills, Patancheru Village and Mandal, Medak District
5. Smt. K.H.V. Ratnam W/o K.Muthaiah, R/o. 7-83, Muthangi, Dattaryanagar, Patancheru Village and Mandal, Medak District
6. Mr. N.Ramakrishna S/o N.Bhaskar Rao, R/o R/o Patodia Spinning Mills, Patancheru Village and Mandal, Medak District
7. Mr. N.Haribabu S/o Sri N.S.Narayana, R/o Bhanu Enclave, Hyderabad
8. Mrs. I.Padmavathi Devi W/o I.V. Chowdhary, R/o B.M.P.S. Patnam Bazar, Guntur
9. Mr. B.V.S.V.Prasad S/o late Sri B.V.Subba Rao, R/o Plot No. 8, Prasanthi Estates, Rajahmundry
10. Mr. N.V.P.narayana Rao S/o Sri Rama Rao, R/o. 6-3-1186, Begumpet, Hyderabad
11. Ms. D.Anjani D/o Sri D.T. Raju, R/o. 1825, North 2nd Street, Milwankee, W1 53212, USA
12. M/s Unique Real Estates, rep. By its Managing Partner, Smt. N.J. Lalitha W/o N.Venkaaiah, R/o. 6-3-1186/11, Greenlands Roads, Begumpet, Hyderabad
13. M/s Phonix Infrastructures Pvt. Ltd., rep. By its Partner L.Srinivas S/o Sri L.Bapuji, R/o C/o. 231/A, Road No. 26, Jubilee Hills, Hyderabad
14. M.Lokeswara Rao S/o M.Appa Rao, R/o. C/o. B29, EEIE Stage II Balanagar, Hyderabad

Respondents

Counsel for the Appellant : SRI P.SRI RAGHU RAM

Counsel for the Respondent No.1 & 2: SRI M.PAPA REDDY

Counsel for the Respondent No.3 & 12: SRI C.V.NARASIMHAM

Counsel for the Respondent No.4 to 8: SRI A.V.RAGHURAM

Counsel for the Respondent No.13: SRI T.RAJENDRA PRASAD

Counsel for the Respondent No.9,10,11 & 14: SRI RAVI S,

CMA. NO. 234 of 2007

Appeal under order 43 Rule 1 CPC, to revise the order of the Court of the III Additional Chief Judge, City Civil Court, Hyderabad, made in I.A. No. 2444 of 2006 in O.S. No. 327 of 2006, dated 04-01-2007

Between:

M/s Phonix Infrastructures Pvt. Ltd., rep. By its Director, P. Gopi Krishna S/o Sri P.Sethi Madhava Rao, R/o. 221, Road No. 17, Jubilee Hills, Hyderabda

Appellant

AND

1. D.Ashren S/o Sri T.R.Datla, R/o. 6-3-1186, Greenland Road, Begumpet, Hyderabad
2. Mrs. A.Shakuntala W/o Sri A.R.Raju, R/o. 7-1-59/11, Ameerpet, Hyderabad
3. Mrs. N.J. Lalitha W/o late Sri N.Venkaiah, R/o. 6-3-1186/11, Green lands Road, Begumpet, Hyderabad
4. Mr. N.Ranga Rao S/o late Sri Narayana Murthy, R/o Patodia Spinning Mills, Patancheru Village and Mandal, Medak District
5. Smt. K.H.V. Ratnam W/o K.Muthaiah, R/o. 7-83, Muthangi, Dattaryanagar, Patancheru Village and Mandal, Medak District
6. Mr. N.Ramakrishna S/o N.Bhaskar Rao, R/o R/o Patodia Spinning Mills, Patancheru Village and Mandal, Medak District
7. Mr. N.Haribabu S/o Sri N.S.Narayana, R/o Bhanu Enclave, Hyderabad
8. Mrs. I.Padmavathi Devi W/o I.V. Chowdhary, R/o B.M.P.S. Patnam Bazar, Guntur
9. Mr. B.V.S.V.Prasad S/o late Sri B.V.Subba Rao, R/o Plot No. 8, Prasanthi Estates, Rajahmundry
10. Mr. N.V.P.Narayana Rao S/o Sri Rama Rao, R/o. 6-3-1186, Begumpet, Hyderabad
11. Ms. D.Anjani D/o Sri D.T. Raju, R/o. 1825, North 2nd Street, Milwankee, W1 53212, USA
12. M/s Unique Real Estates, rep. By its Managing Partner, Smt. N.J.

Lalitha W/o N.Venkaaiah, R/o. 6-3-1186/11, Greenlands Roads, Begumpet, Hyderabad

13. Global Hi Tech Developers, A partnership firm, having its registered office at 6-3-249/3/3, Navin Nagar, Khairatabad, Hyderabad, rep. By Managing Partner, V.Sudhakar Prasad, S/o Kotaiah, C/o. 6-3-249/3/3, Naveen nagar, Khairtabad, Hyderabad and Sri Koteshwar rao S/o M.Sriman narayana, C/o. 6-3-249/3/3, Navinnagar, Khairatabad, Hyderabad
14. M.Lokeswara Rao S/o M.Appa Rao, R/o. C/o. B29, EEIE Stage II Balanagar, Hyderabad

Respondents

Counsel for the Appellant : SRI T.RAJENDRA PRASAD

Counsel for the Respondent No.1 & 2: SRI M.PAPA REDDY

Counsel for the Respondent No.3 & 12: SRI C.V.NARASIMHAM

Counsel for the Respondent No.4 to 8: SRI A.V.RAGHURAM

Counsel for the Respondent No.13: SRI P.SRI RAGHU RAM

Counsel for the Respondent No.9,10,11 & 14: SRI RAVI S,

ORDER:

"Heard both sides and at their request the main appeal itself is taken up.

Post on 17-09-2007 for judgment. However, having regard to the directions which are already been passed as per the orders under challenge, dated 04-01-2007, for commencement of trial and since it is represented that the matter is getting adjourned on some ground or the other, there shall be a direction to commence the trial on 12th September 2007 by conducting day-to-day proceedings. All the counsel representing the parties undertake not to seek any adjournment and to proceed with the trial. All the counsel shall report the progress of the same on 17-09-2007 by filing due memos."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The III Additional Chief Judge, City Civil Courts, Hyderabad (BY SPL MESSENGER)
2. D.Ashven S/o Sri T.R.Datla, R/o. 6-3-1186, Greenland Road, Begumpet, Hyderabad (BY SPL MESSENGER)

3. Mrs. A.Shakuntala W/o Sri A.R.Raju, R/o. 7-1-59/11, Ameerpet, Hyderabad (BY SPL MESSENGER)
4. Mrs. N.J. Lalitha W/o late Sri N.Venkaiah, R/o. 6-3-1186/11, Green lands Road, Begumpet, Hyderabad (BY SPL MESSENGER)
5. Mr. N.Ranga Rao S/o late Sri Narayana Murthy, R/o Patodia Spinning Mills, Patancheru Village and Mandal, Medak District (BY RPAD)
6. Smt. K.H.V. Ratnam W/o K.Muthaiah, R/o. 7-83, Muthangi, Dattaryanagar, Patancheru Village and Mandal, Medak District (BY RPAD)
7. Mr. N.Ramakrishna S/o N.Bhaskar Rao, R/o R/o Patodia Spinning Mills, Patancheru Village and Mandal, Medak District (BY RPAD)
8. Mr. N.Haribabu S/o Sri N.S.Narayana, R/o Bhanu Enclave, Hyderabad (BY SPL MESSNEGER)
9. Mrs. I.Padmavathi Devi W/o I.V. Chowdhary, R/o B.M.P.S. Patnam Bazar, Guntur (BY RPAD)
10. Mr. B.V.S.V.Prasad S/o late Sri B.V.Subba Rao, R/o Plot No. 8, Prasanthi Estates, Rajahmundry (BY RPAD)
11. Mr. N.V.P.Narayana Rao S/o Sri Rama Rao, R/o. 6-3-1186, Begumpet, Hyderabad (BY SPL MESSENGER)
12. Ms. D.Anjani D/o Sri D.T. Raju, R/o. 1825, North 2nd Street, Milwankee, W1 53212, USA (BY AIR MAIL)
13. Smt. N.J.Lalitha W/o N.Venkataiah, Managing Partner, M/s Unique Real Estates, R/o. 6-3-1186/11, Greenlands Roads, Begumpet, Hyderabad (BY SPL MESSENGER)
14. L.Srinivas S/o Sri L.Bapuji, Partner, M/s Phonix Infrastructures Pvt. Ltd., R/o C/o. 231/A, Road No. 26, Jubilee Hills, Hyderabad (BY SPL MESSENGER)
15. M.Lokeswara Rao S/o M.Appa Rao, R/o. C/o. B29, EEIE Stage II Balanagar, Hyderabad (BY SPL MESSENGER)
16. V.Sudhakar Prasad S/o Kotaiah, Managing Partner, Global Hi Tech Developers, A partnership firm, having its registered office at 6-3-249/3/3, Navin Nagar, Khairatabad, Hyderabad, (BY SPL MESSENGER)
17. One CC to Sri T.Rajendra Prasad, Advocate (OPUC).
18. One CC to Sri A.V.Raghuram, Advocate (OPUC).
19. One CC to Sri C.V.Narasimham, Advocate (OPUC)
20. one CC to Sri M.Papa Reddy, Advocate (OPUC)
21. One CC to Sri P.Sri Raghu Ram, Advocate (OPUC)
22. One CC to Sri Ravi S, Advocate (OPUC)
23. Two Spare Copies

AB

HIGH COURT

AB
DRAFTED ON 10-09-2007

BPRJ

&
GBPJ

DATE: 10-09-2007

ORDER

CMA. NO. 562 & 234 OF 2007

DIRECTION